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&c. &c.

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the "True American," in this and other States, will
render it a better advertising medium than any
paper in the city.

POETRY.

From the Weekly Tribune.
SATURDAY NIGHT THOUGHTS.
BY MRS. E. J. CAMPBELL.
The six days' work is done,
The husband's, the wife's, the child's,
The close communion, the taking of
The long around one's feet in cranking coils—
Their weekly course is run.
Sit thou in Sabbath peace;
Compose thy weary limbs in languor sweet;
Fold thy tired hands, and rest thy aching feet—
O, graciously the mortal frame will greet
From care a short release.
Wipe from thy dusty brow,
Careful and troubled about many things,
Unhaste the envious home-work race which
clings
So closely to the struggling spirit-wings
Hanging heavily and low.
Still on thee, on thee yet
The spirit of despondency is strong;
Still crowding cares unto thy lot belong;
Still must thou strive with outward ill and wrong,
And many a vain regret.
O, hushed the voice of mine!
How "few and far between" thy dreaming hours!
How shouldst thou turn aside to gather flowers
From fairy-land, when on thy human bowers
The sun is shining so clear?
My yearning, yearning heart!
Is this life-time passing to thee?
A happy or a mournful time to thee?
For, O! it hath but little harmony
With earthly love and part.
Yes, here it pain is
Most passionate longing to stretch the clay—
This evil-thirst which stronger grows each day
To take the morning-mists and flee away
To realms of purer bliss.
And yet, not all in vain!
Do not these cravings in the limited breast
Where the soul dwells, the taking of rest;
A new existence, in a home more blest,
Is yours to gain?
A home of such deep peace
As ever saw, nor hath it entered e'er
Man's heart to dream of that celestial sphere
Where God's own hand shall wipe away each tear
And all our sorrow cease!
Thou strive, O! still strive thou
To keep, and live, weary, weeping day,
Painful and pure the immortal goal within—
So thou ere long the perfect rest shall win
Unclouded below.
And now, O, yearning one,
With thy last waking thoughts give thanks to
Heaven
That to earth's toiling children the law given
A holy pause from care—this, this seventh-even
Fideth thy labor done.
Ask Him to lift thy heart
With all its human yearnings from the dust;
To strengthen thy weak soul, and fix its trust
Firmly on Him—and with the perfect just
Give thee thy better part!

ANTI-SLAVERY.

SLAVERY IN NEW JERSEY.

TRENTON, MAY 21, 1845.

[Reported for the Express.]

The Court being opened—present the
Chief Justice, and Justices Randolph, Car-
penter and Nevins. Mr. Bradley, counsel
for Post, the owner of the old slave, said he
was not ready. The Court then intimated
that they would hear the argument on the
demurrer, interposed in the apprentice case.
This case is as follows:—

In Supreme Court of New Jersey.
The State vs. Edward Van Beuren, &c.
This is a case of a writ of Habeas Corpus
issued on motion of C. B. Palmer, Esq., as
Attorney, and Alvan Stewart, Esq., as coun-
sel for Mary Tebut. The writ was granted
in open Court. The object of the writ
is to compel Edward Van Beuren to bring
before the Court, Mary Tebut, and the
cause of her detention by the said Van Beu-
ren.

The said Van Beuren claims to hold the
said Mary, by virtue of the Slave Laws of
New Jersey, as his property, born of a ne-
gro woman, who is a slave, having been
born before 1804, and claims that he pur-
chased the said Mary of one, who bought
her of another, in fact that she had been
sold three or four times; that she is now
nearly ninety years of age, and said Van Beu-
ren claims her as his property until she
shall be twenty-one years of age. Mr.
Stewart contends that the new Constitution
of this State has abolished Slavery, and
with it Apprenticeship as its offspring—
the whole system perishes in a common
grave, by virtue of that instrument.

This question involves the liberty of a-
bout 700 slaves, and from two to three
thousand apprentices now held as slaves—
the males until 25, and the females until 21
years of age—although the statute calls
them free, because born since 1804.

Alvan Stewart, Esq., for the demurrer,
rose and invoked the kind consideration of
the Court for the rights, as it should be,
the rights of property. He said that the
Courts of justice, in this country, have de-
voted most of their labors and learning to
the settlement of questions affecting the
rights of property. The controversies about
lands and estates, with all the subtle
reasonings of law logic, case hunting, li-
berty searching, for the opinions of a by-
gone generation of legal thinkers to prop
up or overthrow the passing propositions of
the age, comprise much of the legal effort
and all the legal learning of modern times.
Considering the mighty questions of human
liberty, which might grow out of the State
and national constitutions, and ten thousand
other views of human rights, it seems pre-
sumable to be told that there is not one
volume of reports, arguments and decisions,
in behalf of the great inalienable rights of
man, invoked as they are, in every direc-
tion, overthrown and trodden under foot,
as they are, at every step of our march, as
a nation and a people. The direction of
mind and action seems to have been directed to
the acquisition of wealth, and the acquisition
of the race, rather than to the Man him-
self. Congress has manifested far more
anxiety to take care of the hats men wear
than the feet they go on, and of the coats
they wear than the lives they carry. That grave
assembly can despise, from Christmas to
Easter, about the Capitol, while preparing
for the abolition of Slavery in the District
of Columbia are—afforded to go unheard.

Nothing has been held so cheap as human-
ity, on the average. If every man had his
share of the proportion of the injuries done to
him, to human rights, the present free-
dom would commit suicide in self-defense,
or, else be impelled to go to the Pasha of
Egypt, by the way of Russia, for the pro-
tection of his personal liberty. Long ere
this we should have tested, in behalf of our
enslaved and bleeding brother, every law
and constitution in this land, and elicited
every particle of justice and humanity
therefrom, and ascertained the depth and
breadth of the stream of American justice,
and how far our boasted 4th of July pro-
fessions fill in the rear of judicial mercy;
how vast the interminable space between
our abstractions and practicalities! Oh!
when shall we see that glorious day when
the lion and the lamb shall lie down to-
gether? That day, when the law, with its mer-
ciful power, shall be extended to all, when
none shall be found overruling its imper-
ious, defending all men, whether in the field
or in the city, on the highway or in the
closet, when its atmosphere shall be resplend-
ing by the strong and the powerful, and the
lungs of the infant in the cradle shall swell
with its holy inflation, when that law shall
defend all—shall pay the wages due to the
individual laborer, vindicate the right of
man to himself, uphold the freedom of the
Indian, the negro, the mulatto, the Chinese,
and the Asiatic, making freedom for all,
justice for all, wages for all, education for
all, and religion for all. That time (he
said) will come, under the new constitu-
tion of New Jersey, in this State, at least,
will not be distant.

In order to show that the mercy of the con-
stitution, as he understood it, in repudiating
slavery, he would look a little into the orig-
in and meaning of slavery, and see what
were the intentions of the law in relation to
it. The old world was full of slavery. After
a struggle of 1200 years it was over-
thrown in Germany, and in all northern
countries, before the steady approach of
Christianity, which in councils, diets, and
convocations, and judicatures had pro-
vided a match for it. The nations of the
earth repulsed; that name, slavery, was
extinct in Christendom. Then came the
discovery of America by Columbus. The
red man of the Indies was held in
bondage, and they ceased to exist un-
der the system until Las Casas expressed
the wish they might be released by the
name of the Christian. Cardinal Ximenes
opposed it, but it was adopted, and thus began
the system of African slave-trade. In the year
1620 you see the Mayflower approaching
the bleak northern shores of this continent,
to lay the foundation of a free republic. In
the same year, you see, too, a slave vessel
approaching, under many gales, the south-
ern ports of the continent. At one and the
same time, the good and evil genius of the
country.

Mr. Stewart then proceeded to cite the
title "Slave" in the Encyclopedia, from
which it appears that a slave is in the ab-
solute power of the master, with regard to
life, liberty, and fortune. The word ac-
cording to Vasinius is derived from the
name of a Syrian people, called the
Sclavini. The Romans called slaves *Sclavi*,
from *servare*,—to keep or save,—being
such as were not killed in battle, but saved
to yield money, either by sale or by their
work or service. A slave lived in the fam-
ily was called *Verus*. The Roman slave
being not free took the cognomen of his mas-
ter for his surname, retaining his slave-
name for his first, or what we denominate
christian name. Among those called
slaves, in the laxity of phraseology, were
those called by the Romans *mercenarii*,—
or mercenaries—hired out; they were *li-
beri*, or freeborn citizens, but were com-
pelled by poverty to hire out to the rich. The
Greeks called these persons *Thes*.—and
Homer's Odysseus. Another class, they
called "prodigals," among the ancients,
—having lost their liberty by their impru-
dence, and were defined by their creditors
till the fruit of their labor was equivalent to
the amount of their debt. Such delinquents
were sentenced by the Romans to the oar.
Reminiscences, among the Germans, men-
tioned by Tacitus, were those addicted to gam-
ing, who, after staking all their property,
staked their own persons, and losing, went
into voluntary servitude, and, though youn-
ger and stronger than the person to whom
they had sold, patiently suffered themselves
to be bound and sold. [This was the old
way of paying off a debt of honor!]—
Slaves, thus obtained, were forthwith sold,
to get rid of the scandal of such a gambling
violation. Such are the two kinds of Slave-
ry: voluntary and involuntary. The latter
gives the victim no choice, but degrades
the man at once into the brute. We had
the slaves before the deluge. Some main-
tain that Nimrod was the first slaveholder,
as being a warrior and hunter, and so took
captives in war, and reduced them to bond-
age. Pope says,

"From Nimrod first the bloody chase began,
A mighty hunter! And his prey was man!"

And much other curious and antique
learning on the subject of voluntary and
involuntary servitude, illustrative of the
customs and usages of Greece and Rome to
wards slaves, was cited and dwelt upon by
the learned counsel. He then referred to
Hawell's state trials, 20 vol. p. 1, being the
case of Somerset, 1773, which was argued
twice. Mr. Stewart reviewed the whole
case, as showing the evidence that the law
of the nature and character of villenage or
involuntary servitude. It was deemed
therein that much servitude weakened the
State. He adverted, in this connection,
to the fact that South Carolina, when La-
fayette arrived there, could not furnish her
quota of soldiers in the revolutionary war,
the people being obliged to stay at home, to
protect their own State against their slaves.
He attributed the loss of Washington, in
the last war, to the same cause. He quoted
Locke, in proof that no man can enslave
himself; if a man commits a crime, it cannot
extend to his issue as it would do, if
man had this right. And he went on to re-
view the useful information of the Eng-
lish judiciary for two generations—a pe-
riod of 500 years—in regard to the ques-
tion of the national rights of man. He
gave a description of the relations of *vil-
lens* regarded and *vil-
lens* in gross, or be-
longing to a villa, or house of his master.
The maxim then prevailed not, "the slave
separatim separatur,"—the slave or villen
separated from the condition, not of the
villen, but of the father. This was
merely compared to the maxim of modern
times, regarding slavery, which makes the
condition of the mother that of the child to
all generations.

In order to show the intentions of the
English judiciary to be in favor of liberty,
Mr. Stewart continued to cite Hargrave, in

the Somerset case, and to insist that in like
manner it should be so, in New Jersey, un-
der the new constitution. The evidence of
a doubt being in favor of the slave
or apprentice. And the same points were
enforced by citations from other authorities.
Villenage must begin with memory. If
the child of villenage was born of the villen,
he was free. A bastard, born of a villen,
was free. Baptism freed the villen. The
writ of *habeamus replegiandum* was always
sued out in such a case, and was always
successful. Even a monster, brought in
Asia, and shown as an exhibition through-
out England, having some form of man, was
freed under that writ. He went on to say:

Slavery is so abhorrent to all justice,
mercy, and humanity, that all the intend-
ment of law and equity are opposed to it,
so that the hard words of slave countries
all admit that it can only exist by force of
positive statute law. The *lex scripta* must
be its foundation, and the *scripta* of all power,
which one man exercises over another
in making a fellow being his chattel, his
slave. All the slavery which sprang up in
these colonies had, as a general rule, noth-
ing but the custom of a few barbarous plan-
ters as its origin; which custom was not
within the memory, and ran not later
than the memory of point of antiquity, trans-
cending all human memory, where its
source was hidden in the night of by-gone
ages. Not that common law, which was
supposed to be handed down from genera-
tion to generation, in the libraries of the
judges and the lawyers, as copies of obse-
lete and worn out, or extinct statutes. As
the said evidence, he said, so it supposed
these customs, or common law, to be the
spirits of departed statutes, the very tomb-
stones and graves of which can be no longer
found in the land. "Civiles feruntur,"
but then their imperishable souls remain
still to guide and direct our frailty on the
doubtful journey of life! But slavery is
within "the memory of man," with all its
monstrous brood of crimes; and wherever
you find a well founded doubt as regards its
authority, to exist, as an institution, human-
ity is entitled to the benefit of that doubt,
and the oppressed should assuredly go free.

As between strength and weakness, power
and inability, if a strong doubt arise in the
mind of the court, the mercy of the law im-
plies it to decide in favor of the weak and
inability, and of those who are ready to
perish," so that it seems that every *infans*
is in favor of natural rights, until the
contrary be made expressly to appear. If
the new Constitution of New Jersey had
seriously drawn into question the com-
plicated villainies of this institution, this court,
I believe, would have been compelled by
the spirit of our laws, and as faithful ex-
ponents thereof, to say that the grave
doubt itself would be the emancipation
of the enslaved. But the court is not com-
pelled to look to such a cloudy and unsatis-
factory source as that, in the case of New
Jersey slavery; for its constitution, in the
first section, asserts the great principles of
the Declaration of Independence, that all
men are, by nature, free; that they have
certain inalienable rights, among which are
life, liberty, and the pursuit of happiness.
For these great man-rights there can be no
seller, no buyer; they are inalienable; for
if a man could sell his body to another for
the gold mines of the globe, and convert
himself into the chattel of the buyer, he
would become as much a man as ever lived
in the universe of God by the operation, if
the law of slavery was applied to him; for
all that the slave hath, and all that he may
acquire, becomes the property of the mas-
ter, and so the condition of the sale being
necessarily void, so is the sale, and the
whole operation is thus demonstrated a
moral impossibility. And thus it is that
these elementary or natural rights are just-
ly said to be inalienable. And so are they,
upon yet another ground. They are
a trust confided to each man by his Maker,
for which he is held responsible, and for the
use he makes of them, and the extent to
which he honors or dishonors them, he must
be accountable, he must be held a free agent.

Adverting again to the case of Somerset,
he quoted Lord Mansfield's reply to Dun-
ning's argument, that if Somerset was set
free, the 1400 negroes held in Slavery in
the West Indies must be set free, of course;
said Lord M., "I cannot undertake to direct
when and where the last shall operate: it is
not for the Court to determine that matter;
the law does it by itself." This case was
argued twice, as appears in the books; and
it was done, in fact, once more besides.
The first time it was decided that Slavery
did exist, by the laws of England. Gran-
ville Sharp brought it up a second time;
argument was heard again, though the Court
decided as before. The argument was,
however, heard patiently, and was heard
a third time by the Court, and the Court was
set free. No plea of *res adjudicata* was in-
terposed, the world was full of slavery at
the time—all the dependencies of England
were rife with it abroad; villenage was
unrepented, the Common Law recognised it
against human rights, and in face of all
this, that able judiciary seized hold of that
great truth, and so treated it that their
names are handed down with a peculiar
glory to posterity, as having declared that
who touched the cliffs and shores of Eng-
land was, *ipso facto*, free. The intend-
ments in all these cases were in favor of
liberty; this was the very form of the de-
cision, in cases of the sort,—and this in
favor of liberty," says the reporter in the
Crouch case, and others. Mr. Stewart's
whole case, on the English law in this respect,
was full of fervent eloquence. He came
then to the history of slavery in this coun-
try, and to legislation at different times in
relation to it. He quoted the 10th article
of the Treaty of Ghent, as follows:

"Whereas the traffic in slaves is irreconcilable
with the principles of humanity and justice, and
whereas, both His Majesty and the United States
are desirous of contributing their efforts to promote
the entire abolition of this trade, they have agreed that both
the contracting parties shall use their best endeavors
to accomplish as desirable an object."

Signed, 20th December, 1814.

GABRIEL,
HENRY GOLDENROD,
WILLIAM ANGLIS,
JOHN QUINCY ADAMS,
J. A. BARBAD,
H. CLAY,
JOHN KENFELL,
ALDER GALLATIN."

"Done in triplicate."

This treaty is a solemn covenant between the
two countries. England has done her
part in the covenant, and a small holding
on her course in that direction. The U. S.
abolished slavery in the British West Indies,
and then apprenticeship, and Mr. Stewart
reviewed the progress of these operations,
and others, to the same effect, always in
favor of personal liberty. In the same
year, slavery was struck down at the Cape
of Good Hope, and, under the very treaty
the British Government caused the East In-
dia Company to abolish the servitude of the

native existing in 1844; and a law was
passed accomplishing that object, the em-
ancipation of 12,000,000 of slaves. England
has done her part of carrying out that
treaty, and (notwithstanding the inlan-
cably position of her laborers) she deserves
credit for it. America has come into the
management for the suppression of slave
trade. Her laws to that end are ample and
good. But somehow or other, when she
sends ships to hunt out slave-traders on the
coast of Africa, they have not succeeded in
finding any. And here Mr. Stewart com-
plains of the inconsistency of the inter-
national slave trade. He then came to the con-
sideration of the spirit and usages of the
legislation of this country in relation to slave-
ry—state and national—and, in the same
connection, and to the decisions of
courts thereupon, in order to define the ac-
tual character of the institution as it exists
in this country. Some of these cases were
extremely curious; many of them so
strongly "intending" against liberty, as
to make the negro presumptively a slave;—
and to throw every obstacle in the way of
emancipation, in any way. [Wheeler's
"Case of Slavery" and other authorities.]

He took occasion to compliment the court
before which he was speaking upon having,
in 1836, reversed a former decision de-
claratory of the presumption of Slavery in
favor of a black, and having declared that
"this presumption no longer exists," in the
case of *Stoutenburg vs. Haviland*; 3 Green.
266. He then took up the statute of New
Jersey, in 1820, gradually abolishing Slavery
in that State, and for other purposes
respecting slaves, which act establishes the
apprenticeship system, and which calls
those born after 1804, of slave parents,
"free." This epithet, he contended, was
erroneous. He is not an apprentice, like
the poor man's child found out to a master.
In the latter case, the overseers of the poor
are to bind only to good men. Look at this
case of Mary Tebut, before the Court, sold
three times, and only 19 years of age.—
Whom is she bound out to? With what
judgment? He is to be bound to the man
who owns the slave parent, no matter how
cruel, how tyrannical, how inhuman. To
the man who has proved himself his worst
enemy, the worse foe of his race. The
statute empowers the executors to dispose
of the unexpired time of the so-called ap-
prenticeship. Calling a man free, and yet
holding him in bondage, for twenty-five
years, is a man strike the apprentice and
break his manly limbs, and then, as a
master, while the apprentice has the man's
strength, call him a free man. The statute
calls, or nicknamed him "free," and
he would be at twenty-four, (the woman
at eighteen), if that were not a nick-
name. As it is, it is the master who has
the action, and the damages in the case
imposed, for the apprentice is but a chattel,
after all.

At this point, Mr. Stewart gave way,
the hour for dinner having arrived,—and
will resume his argument, at about 3 o'clock,
this afternoon.

AFTERNOON SESSION OF THE COURT.—Pres-
ent, as before.

Mr. Stewart proceeded with his argu-
ment in support of the demurrer. He took
up the new constitution of New Jersey, and
the bill of rights contained in it,—comparing
it, in this particular, with that of Mas-
sachusetts, which, for the purposes of this
argument, he treated as identical in senti-
ment. Both abolish slavery. Both say,
that without "due process of law," no per-
son shall be deprived of life, property, li-
berty, &c. Legislation is not "process of
law." He dwelt on the word "persons,"
in the United States constitution, and denied
that it meant slaves; slaves are chattels,
like pigs, oxen and swine; breathing prop-
erty; from *cattella*, in the old law latin,
and so the civil law regards them; some-
times chattels real, sometimes chattels per-
sonal; but always chattels. He declared that
slavery is guaranteed by the constitution of
the United States. [The Chief Justice as-
sented to this proposition.] No slave in
New Jersey, nor apprentice either, can be
produced who can show any mark of ad-
judication by which he became such by "due
process of law;" and thus, under the con-
stitution of New Jersey, such slave or ap-
prentice would be entitled to his liberty, as
a matter of right. So far as the decisions
of Massachusetts are authority, the same
words in its constitution abolished slavery
there. [4 Tyng, Mass. Ch. Jus. Persons.]
[Pickering Mass. 13 also.] Quotes Man-
sfield, (again) where he said the Court could
not presume to direct where or how the law
should operate, and this is a reply to the
argument that certain consequences would
follow from the abolition of this case.

Showing that other objections to the new
law of New Jersey are not valid, he showed
that slavery is guaranteed by the existence of
apprenticeship, which brings this case un-
der the same principle as the English one
cited. Lord Mansfield says slavery can
only exist by positive law. Under this con-
stitution, could New Jersey pass such a law?
If that be true, then comes another section
in this constitution, which negates all laws
repugnant thereto. There is but one
view to take of this question; it is unan-
swerable. Is slavery "repugnant" to li-
berty? What a proposition to ask! It seems
almost like judicial trifling, to make these
two terms synonymous. Is there any clause
in this constitution to save this beautiful,
lovely and holy institution? Ought not
the unimpeachable word of Heaven, pro-
viding the blessings of liberty to man, the
holiness of his lineage, the illustriousness
of his origin. From a Constitution a man
derives no natural rights. The secondary
ones of citizenship, of voting, of holding
office, as means of carrying out the great
primary object of the Constitution, the
concentration of the power of the commu-
nity for the protection of their natural
rights, he does derive therefrom. But a
Constitution comes from the weakness of
each man, and his utter incompetency to
defend the natural rights which God has
given him, against the violence of the
strong, the avarice of the selfish, and the
unlike of the cruel. We need a Constitu-
tion to protect each from the invasion of
the rest, just as we need a fence around a
field of corn to defend it from the trespass
of the lawless herd; but we no more derive
our natural rights from the Constitution,
than the owner of the field derives his title
to the land from his fence. That title is
derived by patent from the supreme power
of the State, and he places his fence around
it, not as a source of title, but to protect
himself in the enjoyment of its fruits. So
a Constitution is a fence around our natural
rights, to give us the fruits of life, and
property, and attainment and enjoyment
of happiness. In its nature and genius, it
is created for the protection of these rights,
State, held in bondage, are men, women

and children, is above all demonstration,
outstrips all logical deductions, and appeals
to our every perception for its truth, which
cannot come from antiquity, and borrow
nothing from illustration. Antiquity and
yesterday offer the same response. Every
degree of latitude and longitude render the
same verdict, whether at Trenton or at
Timbuktu. Whether in mind or in body,
for time or for eternity, they are men and
women, creatures of hopes, their eyes gaz-
ing upon the brightness of the ancient heav-
ens; their frames retaining the merited
luminousness of the grandeur of their descent,
—the illustriousness of their origin—and
showing that God is their Father—that life,
liberty, and the pursuit of happiness are
His gifts to them as to those of a different
complexion; that such is their rightful por-
tion in this world—with a power and a
privilege to ascend in the scale of knowl-
edge and happiness, and love, until they
reach, by the merits of Jesus Christ, the
blessed world to come.

And Mr. Stewart went on to enquire,—
does the Constitution of New Jersey pre-
scribe any rule of action inconsistent with
the nature of a good constitution? This
(said he) leads us directly to the inquiry,
what is a Constitution,—what is its nature,
what is its object? It may be premised that,
technically speaking, a Constitution for the
United States would be an act of emancipa-
tion from every thing like tyranny or op-
pression; it should be the longest step ever
taken in the advancing civilization of man-
kind; that is, supposing a Constitution to be
a covenant of the whole people, for the
defense and protection of the natural rights
of man,—such as life, liberty, and pursuit
of happiness. England tells her Con-
stitution of 1215, and, when examined by our
modern notions of a State or National Con-
stitution, it seems to bear but a faint resem-
blance to such an instrument. What is
meant by the Constitution of England
seems to be made up of the extortions of
acknowledgments of certain rights exist-
ing in the mass of the people, from the
hands of different sovereigns, descendants
of William the Conqueror, with certain
cardinal changes, as during the Protectorate
of Cromwell, or the Revolution of 1689.
These, and the legislation in the three
estates of King, Lords and Commons, com-
posing the Imperial Parliament, from year
to year, and century to century, all joined
together, make up what an intelligent En-
glishman means by the Constitution of the
British Empire. When the sturdy barons
of 1215 met, with sword in hand, their
alliances and feudal monarch John, at Run-
nymede, and demanded that he should sign
Magna Charta, or die, no one will say,
however important the charter of rights
might have been, there was the faintest
resemblance in it to one of our American
Constitutions, when the mode or manner of
collecting the sense of the Governors or
governed in the adoption of such an in-
strument is taken into consideration.

France, during her great revolutionary
struggles from 1789 to the three days of
the Barricades, in 1830, being the final
termination of her organic and elementary
attempts to agree in what form powers should
be exercised, or protection secured, attempt-
ed to imitate the American example, by
submitting their different Constitutions
to the people for adoption or rejection.—
But look at the German States, Prussia,
Russia, Austria, Italy, and wretched Spain,
each looking to the prerogatives of the
crown for that security of life and liberty
which should have constituted the primitive
layer of human rights, expressed and adopt-
ed by the People, for their own safety and
happiness. Look, too, at the empires east
over to this country by the Kings and
Queens of England, to govern us, when we
were colonies. Sometimes, they were in
the form of a property; at others, of a
company, and at others, of a royal grant to
certain persons, authorizing them to elect
members, representatives, or burgesses, to
meet in assembly and legislate. Yet no
one in the early portions of these times of
royal charters and kingly grants of rights,
seemed to question their propriety, or so
much as dream of their glaring absurdity.
To return to our more immediate subject
of consideration; what, then, is a Constitu-
tion? It is an instrument made for the
surer protection, and better defence of the
natural rights of men, consisting of life,
liberty, property, and the pursuit of hap-
piness. It is a covenant of the whole peo-
ple with each person, and of each person
with the whole people, to protect and defend
these natural rights for each person.—
Many have been deluded by the prerogative
of monarchy to suppose that men de-
rive their rights of life, and those other
privileges from the fundamental constitu-
tions of a country, and look to the strength
of the sword, or the power of the law, as the
source of their rights. But it is direct from the Almighty, as His
free gift, that we claim to receive these
unalienable rights: rights to do all and
everything, not forbidden by His express
commands, and not injurious to a fellow
being. Now these God-given rights are
called by elementary writers, man's natural
rights, while, however empty handed a
mortal may enter this world, he or she
brings into it, the evidence of title thereto
being written upon the human countenance,
made visible in the divinity of the human
form, made, as it is, in the image of his
Maker. To be sure, a feeble copy of that
celestial original, but still that it is a copy is
the unimpeachable word of Heaven, pro-
viding the blessings of liberty to man, the
holiness of his lineage, the illustriousness
of his origin. From a Constitution a man
derives no natural rights. The secondary
ones of citizenship, of voting, of holding
office, as means of carrying out the great
primary object of the Constitution, the
concentration of the power of the commu-
nity for the protection of their natural
rights, he does derive therefrom. But a
Constitution comes from the weakness of
each man, and his utter incompetency to
defend the natural rights which God has
given him, against the violence of the
strong, the avarice of the selfish, and the
unlike of the cruel. We need a Constitu-
tion to protect each from the invasion of
the rest, just as we need a fence around a
field of corn to defend it from the trespass
of the lawless herd; but we no more derive
our natural rights from the Constitution,
than the owner of the field derives his title
to the land from his fence. That title is
derived by patent from the supreme power
of the State, and he places his fence around
it, not as a source of title, but to protect
himself in the enjoyment of its fruits. So
a Constitution is a fence around our natural
rights, to give us the fruits of life, and
property, and attainment and enjoyment
of happiness. In its nature and genius, it
is created for the protection of these rights,
and not for their destruction, unless by way

of forfeiture, in the cases of high crimes
and misdemeanors against society. To
suppose a Constitution made and adopted by
a community, by which a sixth or tenth
thereof consent, instead of deriving any
benefit from the instrument, to be forever
stripped and bereaved of their natural
rights, and be forever left, not only without
protection, but, also, be deprived, from
generation to generation, of all capacity to
have natural rights,—the forlorn victims of
avarice, lust, cruelty and contempt,—po-
verty, in its most abject form,—without the
power of asserting the strength Heaven
has given them to protect their most valu-
able natural rights,—is certainly one of the
greatest selections ever expressed—an in-
comprehensible, yet, sublime absurdity,—
and the greatest insult ever offered to
human nature. And such, some men pre-
tend, is the Constitution of the United
States! The idea, that a fence around the
field of corn supposed, was made expressly
to destroy one sixth part of the products of
that field, were not more absurd, than to
suppose a Constitution to have been made to
destroy the natural and God inherited
rights of one sixth part of that very peo-
ple, for whom the instrument was formed.
I deny the existence of any power in the
Constitution of the United States, to denude
or strip one innocent human being of the
rights I have enumerated. It could no
more do it than it could enslave an arch-
angel, or make a king! The idea, of a
framed out, that the secret intentions of the
framers of the Constitution must be sought
for in contemporary commentaries—in the
Madison papers, for example,—for the pur-
pose of contradicting the very language
which the English language, as to the
meaning of words,—and the well known
usages of legal language, too, as defined
for a thousand years by an unbroken stream
of legal adjudications running back to the
earliest epoch of English civilization, is
preposterous beyond comparison. Suppose
the framers were ashamed of their own
wicked and secret intentions, and employed
the language of justice, mercy and human-
ity, having all the time, however, a myste-
rious, inhuman and cruel meaning, destruc-
tive of human liberty, justice and religion,
but dare not employ the language which
would express those atrocious moral obli-
gations,—which shall we adopt,—the one
they dare not employ, or that which they
did use? Shall we adopt the wicked tempt-
ations of the Prince of Darkness, which
cross their minds, and reject the divine
revel, inscribed by the angel of light and
mercy? Shall their cruel thoughts, unre-
corded, supersede their merciful written
words? Shall we have the profligacy to
adopt a meaning which makes the whole
American nation confederate in the crime
of making slavery by force or organic law
in the Constitution, while, under the same
form of crime,—to wit,—making a man a
slave on the high seas, or on the coast of
Africa, we declare, by an act of Congress,
to be piracy, and as such, punishable with
death? Or is the business of so humane,
honorable and profitable a character, that
the nation wishes to reserve the distinguish-
ed glory to itself, as amongst the highest
privileges of its sovereignty?

The Constitution made as the great ex-
ercise of power,—to establish slavery on the
least shadow of supreme power, within
the "ten miles square," and in the territo-
ries, of which, eight slave States were
made? For, in those eight States, slavery
did originate out of the act and authority
of Congress. But the sickly sensibilities
of those who are so anxious to honor and
respect their unwritten inhumanity which
(it is said) our ancestors had not the daring
to place on record, should not blind them to
the fact that the framers of the Constitution
of the United States

1. *What is the purpose of this study?*

